

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
CHIQUITA FRESH NORTH AMERICA, LLC,
DOLE FRESH FRUIT COMPANY,
S. KATZMAN PRODUCE INC., and
KATZMAN BERRY CORP.,

Case No. 14-cv-00982-ADS-AKT

Plaintiffs,

-against-

LONG ISLAND BANANA CORP., SUFFOLK
BANANA CO. INC., and THOMAS J. HOEY,

Defendants.
-----X

AFFIDAVIT OF FRANK A. MAURO, JR.

Frank A. Mauro, Jr., of full age, hereby certifies and declares under penalty of perjury as follows:

1. I am an individual and person of interest in connection with this case. I worked for Long Island Banana Corp ("LIB") for over twenty (20) years. Most recently, my title was Warehouse Manager.

2. I submit this affidavit in support of a request by 28 William Street to appoint a Receiver over the assets of LIB, Suffolk Banana Co., Inc. ("Suffolk Banana"), Thomas Hoey, Jr. ("Hoey Jr."), and all other companies controlled or owned by Hoey Jr., including HB Realty Corp., Brooke Enterprises and PF Transport. My concern is that if the principals of LIB continue to control the liquidation of assets, none of the creditors will be paid. My understanding is that there are many creditors who are owed substantial sums of money in these cases, including the PACA Creditors, who are owed over \$1 million dollars and that other creditors are owed over \$2 million dollars collectively.

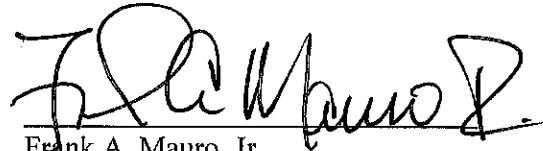
3. My claim arises from the apparent misappropriation or disposition of money that was being held by LIB, Suffolk Banana and/or Hoey Jr. in the Long Island Banana Corp. and affiliates Profit Sharing Plan (the "Plan") account(s). My understanding based upon a conversation with Thomas Hoey, Sr., the former owner of LIB, the father of Hoey Jr., and himself a Plan participant, is that the Plan money is gone. LIB's accountant acknowledged to me that Hoey Jr. intended to "put the money back" into the Plan and account, but was arrested and jailed before he had the chance to do so. My written request (dated January 18, 2014) for Plan documents and information from the principals of LIB has been ignored. A copy of my demand letter for information is annexed hereto. (Wendy Hoey, the wife of Hoey, Jr., signed as secretary) I also filed a claim with the Department of Labor, which is being pursued by its Enforcement Division. The last Plan statement I received, as of December 31, 2012, reflected that I had a fully vested balance of over \$108,000. The Plan participants were rarely provided statements unless we asked for them. My understanding is that Hoey Jr. is the Plan Administrator and he is currently incarcerated.

4. If the principals of LIB continue to control the disposition of assets and liquidation of assets, I fear that the money will only be used for the personal expenses of the principals of LIB, including the criminal defense of Hoey Jr., and the various attorneys he has retained for himself, the companies, his sister, his "friend", and others. In the end, however, I am owed in excess of \$108,000 from the Plan account(s) which is apparently gone.

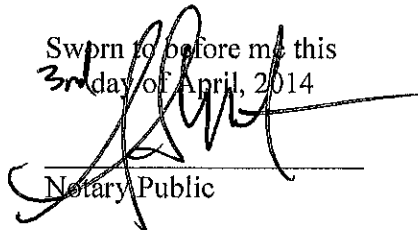
5. I would respectfully request that this Court appoint someone over the assets so that they can be safeguarded and protected from further risk of misuse.

6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: Westbury, New York
April 3, 2014


Frank A. Mauro, Jr.

Sworn to before me this
3rd day of April, 2014


Notary Public

JOSEPH S. MANISCALCO
Notary Public-State of New York
No. 02MA5063826
Qualified in Nassau County
My Commission Expires 7/29/14

20 Yale Place
Rockville Centre, NY 11570
January 18, 2014

BY HAND DELIVERY

Long Island Banana Corp.
28 William Street
Lynbrook, New York 11563

Re: Long Island Banana Corp. & Affiliates
Profit Sharing Plan (the "Plan")
EIN: 11-1788663

To Whom it May Concern:

Enclosed is the most recent Participant Account Statement I have received from the Plan, reflecting my vested balance at December 31, 2012 of \$108,877.98.

This letter will serve as my demand for:

- a) **Copies of the following documents with respect to the above-captioned Plan:**
- the summary Plan description;
 - any and all Plan documents;
 - any documents or statements which identify the holder and/or location of any Plan account balances;
 - any surety or fidelity bond issued in connection with the Plan; and
 - all documents relating to any nonexempt transactions with any party-in-interest, including, without limitation, any loan documents or notes.
- b) **An update of my vested balance as of December 31, 2013 (my "Current Vested Balance");**
- c) **Withdrawal of 100% of my Current Vested Balance from the Plan. This demand**

includes any forms or documents requiring my input or signature in order to effect such withdrawal.

Please contact me immediately if there will be any delay or difficulty in meeting the above demand.

Sincerely,



FRANK A. MAURO, JR.

Cc: United Benefit Pensions Inc. /

Receipt Acknowledged as of January 24, 2014:

By: Wendy Affery
Name: _____
Title: Secretary.

Long Island Banana Corp. & Affiliates Profit Sharing Plan
Participant Account Statement

Frank Mauro Jr

For the plan year 1/1/2012 through 12/31/2012

Employee Number:	###-##-5005	SSN:	###-##-5005
Date of Birth:	05/20/1958	Gender:	M
Date of Employment:	01/20/1984	Attained Age:	64
Date of Participation:	01/01/1995	Retirement Age:	65
Date of Retirement:	12/31/2023		

ACCOUNT SUMMARY

Employer

PriorBal	102,385.89
GainLoss	6,492.09
Contribution	0.00
Forfeitures	0.00
ExpAdj	0.00
Transfer	0.00
Withdrawal	0.00
EndBal	108,877.98
VestPot	100
VestBal	108,877.98

Total Account Balance:	\$108,877.98
Total Vested Amount:	\$108,877.98

Prepared By: United Benefit Pensions Inc.